

REMARKS

Responsive to the action mailed November 7, 2006, Applicants elect the invention of Group I, drawn to a lactic acid ester of formula (2) and process for making this ester. This group includes claims 1-5 and 12. The election is made with traverse.

Furthermore, Applicants have cancelled non-elected claims 16-17 without prejudice. Applicants reserve the right to pursue these claims in a divisional application. Applicants have also amended claims 6 and 10 to depend on claim 1. The amended claims, which previously were considered part of Group II (claims 6-11 and 13-15), are now dependent on claim 1, and thus form part of elected Group I. The amended claims now share a single inventive concept and can readily be the subject of a single search.

This amendment is consistent with the amendment that Applicants submitted to the European Patent Office in response to a lack of unity rejection based upon the corresponding claims of the European patent application (Application No. EP 1,527,064 A1). The European Examiner agreed that the amendments overcame the lack of unit rejection. Applicants request that the Examiner of the present U.S. application treat the claims in accordance with the treatment afforded by the European Patent Office.

Claims 1-15 are now pending. Applicants respectfully request examination and allowance of the pending claims. The Examiner is invited to telephone the undersigned if such would expedite prosecution.

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Page : 9 of 9

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Respectfully submitted,

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